



Thomas K. Murphy III
Counsel
75 Livingston Avenue
Suite 301
Roseland, NJ 07068
P: 973-577-1812
F: 973-577-1813
tmurphy@greenbaumlaw.com

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VIA ECOURTS

Honorable Anun Subramanian, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15A
New York, New York 10007

Re: Go Global Retail, LLC v. Dream on Me Industries, Inc., et al.
Civil Action No. 1:23-cv-07987

Dear Judge Subramanian:

This firm represents defendants, Dream on Me Industries, Inc. and Dream on Me, Inc. (collectively "DOM") in the above referenced matter which involves allegations involving alleged trade secrets and has necessarily involved the discovery of proprietary and business information and documents which the parties assert are confidential in nature.

DOM files this letter motion today seeking leave to file its opposition to the summary judgment motion of plaintiff, Go Global Retail, LLC ("Go Global") under seal. Notably, Your Honor has previously granted a letter motion to seal filed by Go Global in connection with its pending motion.

In accordance with Your Honor's individual practices, we will be filing an unredacted version of DOM's motion for summary judgment, as well as a redacted version of the motion and a version with the redactions highlighted which will also be filed under seal.

By way of background, in this case, plaintiff, Go Global Retail, LLC ("Go Global") alleges that DOM breached a Non-Disclosure Agreement (the "NDA") by improperly using allegedly confidential and proprietary information obtained from Go Global to successfully bid on the intellectual property assets of Buy Buy Baby ("BBBY") at a bankruptcy auction on June 28, 2023.

A Protective Order was entered in this case on April 22, 2024 which governs the filing of documents designated as confidential by the parties. [See Docket Entry 40]. The parties have proceeded in reliance upon the presence of the stipulated Protective Order

in this case, and therefore, good cause exists for the sealing of the documents and information referenced herein. Additionally, there is little public or private interest in disclosing the information referenced herein, and a no less restrictive alternative to this Motion to Seal would protect the parties' confidential information. Indeed, the vast majority of DOM's motion for summary judgment motion is unredacted and will be available for public view. Additionally, after further review and scrutiny, DOM has not even sought to seal or redact certain documents that it marked "Confidential" in discovery.

The majority of the documents which DOM has redacted or sought to seal completely are because Go Global has designated the documents or information "Confidential." The following exhibits attached to the Declaration of Thomas K. Murphy III contain information that Go Global has designated as confidential and have been redacted:

1. Exhibit A - Deposition Transcript of Avish Dahiya.
2. Exhibit B - Deposition Transcript of Mark Srour.
3. Exhibit D - Deposition Transcript of Deborah Gargiulo.
4. Exhibit F - Deposition Transcript of Amit Malhotra.
5. Exhibit G - Deposition Transcript of Christian Feuer.
6. Exhibit I - June 14, 2023 email communication from Christian Feuer, managing director of Go Global regarding bid deadlines.
7. Exhibit K - Deposition Transcript of Jeffrey Streader.
8. Exhibit M - June 18, 2023, email exchange between Go Global and Ankura Capital Advisors, LLC ("Ankura").
9. Exhibit Q - June 26, 2023, email exchange wherein Go Global withdrew from the BBBY auction.
10. Exhibit R - June 27, 2023, email exchange between Go Global, Ankura, and Lazard Inc.
11. Exhibit S - June 27, 2023, email exchange between Go Global and Axar Capital Management LP.
12. Exhibit W - July 3, 2023, email exchange between Go Global.

13. Exhibit X - July 7, 2023, email exchange between Go Global and Axar Capital Management LP

14. Exhibit AG – Deposition Transcript of Yuen Chau

15. Exhibit AI - Expert report of Alan Schachter

16. Exhibit AJ - June 13, 2023 email exchange between Go Global

17. Exhibit AL – May 21, 2023 e-mail exchange between Go Global and Ankura

Additionally, the following Exhibits have been filed under seal in the entirety based upon their designation by Go Global:

1. Exhibit L - Go Global's 95 store model
2. Exhibit P - Go Global's June 16, 2023, Draft Bid for the Assets of BBBY.
3. Exhibit AA - Go Global's 22 store model
4. Exhibit AF - Go Global's Case Study.
5. Exhibit AO - Go Global's Acquisition and Turnaround Strategy.

DOM's motion for summary judgment also includes certain documents and information which DOM asserts is confidential and proprietary in nature. This information relates specifically to corporate performance and expenditures, as well as corporate strategy. DOM could be damaged and disadvantage if this information were made public. The documents which contain DOM's confidential information and have been redacted are the following:

1. Exhibit A - Deposition Transcript of Avish Dahiya.
2. Exhibit B - Deposition Transcript of Mark Srour.

Additionally, the following documents have been filed under seal in the entirety based upon their designation by DOM as they contain corporate strategy for the BBBY business that is currently operating:

1. Exhibit AD - DOM's July 21, 2023, 11 store model.

2. Exhibit AK – BBY 95 Store Model. This is a model that DOM has possession of since it purchased BBY. It was also produced by Lazard Freres & Co, LLC ("Lazard") in response to a subpoena and marked Confidential by Lazard. It contains confidential work product that is similar to the other models sought to be sealed by the parties. Counsel for Lazard has been advised of our intention to file this document.

Based on the foregoing, DOM respectfully requests leave to file the unreacted version of its motion for summary judgment under seal.

Respectfully submitted,

GREENBAUM, ROWE, SMITH & DAVIS LLP

/s/ Thomas K. Murphy III

TKM

THOMAS K. MURPHY III

cc: All Counsel of Record (via ECF)